



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2304492

Applicant Name: Greg Kappers

Address of Proposal: 746 Boylston Ave E

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for the construction of four, 2-unit townhouses. Parking to be provided within the structures for a total of 8 spaces. Project includes demolition of existing structures and grading of 2,762 cubic yards of material.

The following Master Use Permit component is required:

SEPA - Environmental Determination - (SMC Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ EIS
 ☒ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction.

Early Notice DNS was published February 26, 2004

BACKGROUND DATA

Site Location, Description and Area Development

The subject property is located on the east side of Boylston Ave. E. between E. Aloha St. and E. Roy St. in the North Capitol Hill neighborhood. The site is approximately 11,000 sq. ft. with 115 feet of street frontage along Boylston Ave E. and is currently developed with two single family residences. The property slopes upward from the street lot line approximately 14 feet in the first 20 feet and is classified as a steep slope critical area (>40% slope). It continues to slope approximately 8 feet in the remaining 95 feet. A limited steep slope exemption was granted in November of 2003 under (2307893).

The site, along with the entire block, is zoned Lowrise 3 (L-3). Development of the surrounding properties is predominately a mix of small to medium multifamily apartment buildings and single family homes which have been converted to administration buildings for Cornish College of the Arts. A limited number of single family residences still remain.

Proposal

The applicant proposes to construct four, 2-unit townhouses (two fronting on Boylston Ave. E. and two to the rear of the lot. A driveway will run along the north side of the lot providing access to the two rear structures and the northerly building facing Boylston Ave. E. The southerly building will receive access from a separate driveway. Each townhouse unit will have its own two-car basement garage for a total of eight parking spaces on site. Project includes the demolition of two existing single family residences and grading of approximately 2,762 cu. yards of material.

Public Comment

One comment letter was received during the public comment period that ended on March 10, 2004. Concern was expressed regarding the loss of vegetation and small animals (birds and squirrels) due to the proposal.

ANALYSIS - SEPA

The applicant submitted an Environmental Checklist dated February 13, 2004 and a Geotechnical Engineering Study prepared on November 24, 2003 by Kristina M. Weller P.E of Earth Consultants Inc. The information provided in the checklist and report, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Section 25.05.908B of the Seattle Municipal Code states that the scope of the environmental review actions within environmentally critical areas is limited to the following:

1. Documenting whether the proposal is consistent with the City of Seattle regulations for Environmentally Critical Areas, SMC Chapter 25.09 and
2. Evaluating potentially significant impacts of the environmentally critical area resources not adequately addressed in the City of Seattle Environmentally Critical Areas, including any

additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

Short-term Impacts

The following short-term temporary or construction-related impact on the identified critical area is expected: 1) temporary soil erosion. The impact is limited in scope and is temporary in nature. Pursuant to SMC 25.05.794, it is not significant; however, further discussion is warranted.

Several adopted codes and/or ordinances provide mitigation for the temporary soil erosion impact. The Stormwater, Grading, and Drainage Control Code regulates site excavation for foundation purposes and requires soil erosion control techniques be initiated for the duration of construction. The ECA ordinance regulates development and construction techniques in designated ECA areas with identified geologic hazards. The Building Code provides for construction measures and life safety issues. These codes and ordinances provide for extensive review and conditioning of the project prior to issuance of building permits, therefore no further conditioning is warranted pursuant to SEPA policies.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted

Earth/Soils

The subject site is designated as an Environmentally Critical Area due to steep slopes which exceed 40%. The applicants requested and were granted under DPD's project number 2307893, a limited exemption based on the slopes being less than 20 feet in height and not part of a larger steep slope system, and a geotechnical report provided by Earth Consultants, Inc. The exemption waives the ECA steep slope development standards set forth in 25.09.180; however ECA submittal, general, and landslide-hazard as well as other applicable development standards still apply.

Grading of approximately 2762 cubic yards of material will be required to accommodate the proposed driveway along the northern property line and construction of the foundations and garages of the townhouse structures. The construction plans, including shoring of excavations where needed and erosion control techniques are being reviewed by a DPD Geotechnical Engineer and Building Plans Examiner for compliance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Ordinance, and Director's Rules 3-93 and 3-94). These codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to ensure safe construction techniques are used to reduce or eliminate the identified short term impact, therefore no additional conditioning pursuant to SEPA policies is warranted.

Long Term Impacts

Potential long-term impacts that may occur as a result of this project are: 1) increased surface water runoff due to greater site coverage by impervious surface, and 2) loss of plant and animal habitat.

Drainage

The proposed development is expected to have extensive impervious surface lot coverage from the townhouse structures and the access drives. However, the ECA Ordinance and the Stormwater, Grading and Drainage Control Code provide for extensive review and adequate conditioning of the project prior to issuance of building permits. Therefore, no conditioning for storm water impacts is warranted pursuant to SEPA.

Plants and Animals

Bill Ames, Landscape Planner for the Seattle Department of Transportation conducted a site visit. Based on this visual inspection and information provided by the applicant, no exceptional trees per Seattle Municipal Code 25.11 were found. The horse chestnut tree located in the right of way will remain. All vegetation on site will be removed; however, a landscape plan for the new development was submitted and reviewed for compliance with Sec. 23.45.015 of the Seattle Land Use Code. No additional mitigation is warranted pursuant to SEPA.

The Environmental Checklist submitted by the applicant and dated February 13, 2004 indicates a future unit lot subdivision is proposed at the site. The creation of unit lots does not constitute an action that would warrant additional scrutiny upon the Environmentally Critical Area.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030.(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS

None required.

Signature: (signature on file) Date: May 3, 2004
Cheryl Mosteller, Land Use Planner
Department of Planning and Development

CM:rgc
H:Mostelc/SEPA dec/2304492.doc